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Is published every Wednesday and Saturday, and during the session of the Legislature, three times a week, on Mondays, Wednesdays, and Fridays, at Four Dollars a year, payable always in advance.

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Is published every Thursday, at Two Dollars a year, always in advance.  
\$1 in advance will pay for six months.  
\$5 will pay for three copies one year.

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ADVERTISEMENTS, will be inserted three times at one dollar a square of lines, and be continued at the rate of 25 cents a square for each additional insertion. Quarterly advertisements, per square, \$5. All advertisements from abroad must be accompanied by the cash; or no attention will be paid to them.  
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### The Tri-Weekly Sentinel.

We shall lay on the tables of the members of the General Assembly, this number of the Tri-Weekly State Sentinel. To all, and particularly to heretofore members, we would say, that our arrangements are probably better this year than ever before, to give complete and accurate reports. These will necessarily be much more full and comprehensive than can be given in the Weekly papers. We have also, at more expense than circumstances would warrant, employed Reporters at Washington City, who will regularly and constantly keep us advised, by letters, of the earliest transactions of each and every department of the General Government. This has long been a desire of ours, not only to make our paper more interesting to the people generally, and to our representatives in particular; and we have "strained a nerve" to accomplish it. It shall be done; and what we have promised shall always be fulfilled, cost what it may.

Then our expenses are great in endeavoring to do, (and what we have accomplished,) the making of full and regular daily reports of our own Legislature, and placing them before the members even almost as soon as the ink was dry which recorded them. Too many of the present members of the Legislature have tested the usefulness of this matter, and its importance, not to estimate it truly. Its benefit to members and to their constituents, need not be reiterated here. Each intelligent mind will survey them at a glance.

We would again publish a *Daily*, but we deem it much less beneficiary either to members or their constituents. In publishing a Tri-Weekly, we have chosen the days on which every Tri-Weekly, as well as Daily mail, leaves. We have a few hours additional to see that our reports are correctly and properly made out. Then the postage to those to whom they are sent, is only one-half of that of a Daily, an item in these hard times not to be "sneezed at," while the recipient gets more matter than he otherwise could. These, however, are but small matters, and only business ones. If the members of the Legislature should like the Sentinel well enough, we hope they will subscribe for it. If not, it is none of our business, and many of their constituents, unless they happen to be subscribers, will never hear from them.

### Allen County Convention.

We would call attention to the proceedings of the Allen County Convention, and particularly to the resolution respecting the appointment of a State Central Committee. We second the views of the resolution with all our heart; because on the prompt and efficient action of that Committee a great deal depends. They should be men of energy, judgment and perseverance—men who will on no occasion shrink from their duty; and who will do their utmost, in season and out of season, to further the Democratic cause.

We are led also to notice it for another reason. Some two years since, the senior editor of this paper was a member of said committee. He found it always next to impossible to ever obtain a meeting of the committee, although he often waited on each member personally, and solicited their action and advice.

Not more than one or two forced meetings were held during that year. They would nearly all say, "What is the meeting for?" &c. &c. When informed, they would say, "go ahead!" it all right; I will sanction it." The business would be attended to so far as we were concerned; and our friends may recollect whether we did not do our part faithfully. The whole burden of the labor, and every cent of the expenses—which were neither light nor small—fell entirely on us. But we do not grumble at it. We had put our hand to the plough, and were determined not to look back. Hence it was, also, that Morrison used to range about, continually repeating "George Chapman is the whole Central Committee."

We refused to have our name again used in that connection, for various reasons. On finding the complexion of the Committee of the last year, however, the junior did consent to take his turn at the oar. We see this year but little difference in the action of the committee.

In short, it is necessary to have on such a committee, as we before said, active, business men—who will not back out for fear it will cost them a dime. It costs money to do up the business properly; and those should be appointed who will work and pay. Let us have no more of those who get themselves appointed merely to keep their names conspicuously before those who have offices to bestow. Much better men can be found among the laboring mechanics of our city, or any where else. Let us have a working, not a gambling committee.

Directors of the Indianapolis branch of the Indiana State Bank were elected a few days ago. Six of the ten are Locofocos. Nevertheless, if the concern go to the devil, all the blame will be charged upon the Whigs—*Louisville Journal*.

No doubt about it; and several other Whig papers have said about the same thing. Rats, it is said, desert a sinking ship; and we are sorry to see some of our best Democrats inveigled into these bank nets. By-the-by, the Journal is not the only Whig paper which has already begun to ring the changes upon the State Bank being in the hands of Democrats.—They mean to be ahead if possible; but we tell them the Democratic party doubts the purity of those whom the Whigs are willing to use, and who, if they see the consequences, are no better than Whigs themselves. We raise our voice against the State Bank of Indiana as being a "Democratic concern." Let Democrats beware—the Internal Improvement System should be as a finger board of warning. When the Bank sinks, like its ally, let it not be hereafter said, that it is a Democratic Bank, and sunk under the management of Democrats. Again, we say, Beware!

DEATH OF DR. PEYTON OF TENN.—The Nashville Banner announces the death of Dr. Joseph H. Peyton, the member elect from that district to Congress. Dr. Peyton had served in the Senate of the State Legislature with much ability, and was elected to Congress by the Whigs in 1843.

# The Indiana State Sentinel.

Published every Thursday.

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### Shin Plasters.

We are glad to see the many stand taken by the true Democratic papers against the further issue of shin plasters by the State Bank. The Greenback Patriot has the following remarks in reply to the Wabash Courier, a shin plaster Whig concern:

No, the people of the State are not willing that the small bills of the Bank of the State or of the State shall longer be indulged, nor will such be the effect of refusing the demands of the State Bank for a permanent privilege of issuing its "shin plasters."

The same logic used by the Courier, was used by the Bank to obtain this boon, and will lose none of its force, if any it ever had, for a hundred years to come. Ohio authorizes her Banks to issue small bills, and to remedy that evil, Indiana must give her Bank the same privilege, and so with Kentucky, Illinois, &c. Now according to this Bank logic, when can the people remedy this evil? Not until all Bank charters expire at once, and every State in the Union will commence the reform and carry it out together, which as the Bankites very well know, can never happen. The effect of the small note circulation is to drive specie out of circulation and indemnify the Bank to a great extent against the return of her promises to pay. They will not expel the small notes of other States. What sort of magic has Indiana one's that five's have not in expelling the emissions of the Kentucky or Ohio Banks? It must be, if at all, owing either to their denomination, or their quality as a circulation. The Devil has just about as much power with water as the value of one dollar, how can bills of one-fifth the value do it? Is it because they occupy a different channel in their circulation? If so, how true, why will not silver drive them out just as well?

But how is it that the Bank advocates contend that we must "do evil that good may come of it?" If the small notes of the other States are not an evil, why want to expel them? If they are an evil why want to add to it by doing evil ourselves? But adding our wrongs to the wrongs of Ohio and Kentucky, will not cure them, but if a farmer should turn his own hogs into his corn field to drive his neighbors out and thereby save his crop. The truth is, it won't do it. It is a project to enable the Bankers to make more money for themselves, instead of benefiting the people. The Bank has just about as much power with water as Bankers have for any one's interest but their own. What became of the State Bank scrip intended as a relief to the people? Let the advocates of Bank monopolies answer.

But we will see how many *Sigs* there are in our next Legislature.

We observe that the following paragraph is copied into Ohio Papers, accredited to the "Indiana Democrat." This credit is erroneous: The article originated with the "Western Democrat," published at New Albany, and not with the "Indiana Democrat," published at Indianapolis. There is as much difference between the two in regard to Banking, as there is between chalk and cheese. The "Indiana Democrat" is a Bank paper; the New Albany Democrat, is strongly anti-Bank. Let us render unto every man according unto his ways.

THE DEFEAT OF THE OHIO DEMOCRACY.—The fact must stare every one in the face, who is at all acquainted with the late contest in Ohio, that the Democracy defeated themselves. There is, in that, as well as in all other States, a class of *pseudo* Democrats who go with the party just as far as it is their interest so to do; and whenever the Democracy have a contest with moneyed or other corporations, they are certain to find these pocket Democrats either fighting openly in the ranks of the enemy, or what is still worse, acting the part of the spy, and secretly plotting treason in our camp. This always has been the case. It was so when the patriot Jackson placed his hand upon the neck of the monster, and it will always be so, unless the Democracy take the necessary and correct steps to put an end to it. And this can be accomplished in one way only. Let the Democracy, whenever and wherever they may find such men, place the mark of "TRAITOR" upon their foreheads, and send them branded from our ranks. We repeat, the Democracy of Ohio in their recent conflict with the Banks of that State defeated themselves. It was accomplished by these "things" called "BANK DEMOCRATS." Let the Democracy of that State now go to work and mark all such traitors. Let them be hurled from the party whose name they have dishonored and disgraced, and seek places among their Federal Whig allies, where they rightly belong. Out with them, you will profit by their absence. We would rather suffer ten defeats than one triumph with such men.

The editor of the Nashville Union says he has received full and entire confirmation of the fact that Mr. Turner, prior to his election to the Senate, made important concessions to the Whigs. The fact of his election, *in prima facie* evidence of the truth of the statement. Nevertheless, we see that several Democratic papers are endeavoring to whitewash the traitor. This is but offering a premium for similar villainy on the part of others. We believe that a man who is base enough to betray his party and its principles once, will do it twice. If we are cheated once, it is the fault of him who cheats; if twice, it is our own. Brand all traitors—brand them! That's the only way to put a stop to base-faced villainy, at least.

NAVAL APPOINTMENT SYSTEM.—It is stated in the New York papers that the Secretary of the Navy has ordered the immediate discontinuance of the Naval appointment system. We strongly hope that there may be some mistake in the statement. The system is regarded with great favor by the public, especially as its tendency was thought to be much more democratic, or more in harmony with republican institutions, than the system before prevalent, and which was borrowed from England. Before we saw the report of its discontinuance, we did not know that a single cause of complaint existed against the new system; and we repeat the hope, that the report may prove unfounded.

WHIGGERY.—Democratic Governors generally recommend a day of Thanksgiving and Praise to Almighty God for his care and various mercies. Whig Governors as generally appoint such a day. We should like to know where they get this power of appointment. But to show British Whiggery in its true garb, it is only necessary to read the proclamation of his Transcendental Excellency, Lord W. W. Weston, A. S. S., the Grand Lord Mayor of Washington City. He goes the whole ewine, and not only appoints the day, but absolutely enjoins it upon every one to observe it! Whiggery's foot will stick out, even in serving the Lord.

The Newcastle Courier, one of the meanest and bitterest Whig papers in this State, naturally enough, like most of the Whig papers, takes sides in favor of Morrison's Bank Democrat. We have no objections to this; have no right to expect any thing else: have lameth the Whigs too hard to deserve any thing better. But the Courier ought not to degrade itself so much as to falsify so grossly as it does in favor of its *Conscience*—Bank-Democratic friend. It may be suspected!

MISSISSIPPI U. S. SENATOR.—The Hon. Joseph W. Chalmers, of Marshall county, Miss., has been appointed by the Governor, Senator in Congress, vice Hon. Jacob Thompson, who declined the appointment. Morrison and the whole Royal Family, are out in favor of, and in the Bank. Is Morrison promised his *quid pro quo*, in shape of a settlement, or otherwise?

EXERCISE OF THE LONGS AND YOUNG.—From the "Upper Mississippian" extra, of the 29th ult., we learn that John and Aaron Long and Granville Young suffered the "death punishment" on that day, for the murder of Col. Davenport. Speeches were made by each. John Long acknowledged his guilt, but asserted the innocence of Young and Aaron Long. The Chicago Daily News gives an account of the execution. The following is the concluding part of the horrible details:

After Long had closed, he returned to his seat, and after consulting the other prisoners, returned and stated that it was their dying request that their bodies be given to their friends and not to the physicians. Mr. Gatchell now stepped forward and offered up a short and appropriate prayer; after which Mr. Hayne read a Psalm. The prisoners now severally shook hands with those on the scaffold and with each other, Aaron Long and Young nearly overcome with emotion, John quite calm and collected. The Sheriff bound their arms, put the rope round their necks, drew the caps over their faces, and led them forward upon the drop.

Taking the axe, he severed the rope at one blow, and down went the drop, letting them fall a distance of four feet. But now remained a scene most revolting to behold, and most horrible to describe. The middle rope broke, letting Aaron Long fall, striking his head on the beam below, and lying insensible from the strangling caused by the rope before it broke. For a moment not a human being moved, all were horrified and seemed riveted to their places. Soon, however, the officers descended and lifted him up, when he recovered his senses, and was again led upon the gallows, suffering intensely, raising his hands and crying out, "The Lord have mercy on me! You are hanging an innocent man, and (pointing to his brother,) there hangs my poor brother!" But alas! he hoodwinked him. He was already beyond his sympathy—he was left alone to endure the dreadful sight of his brother's last agonies, and once more to pass through the dreadful scene—the rope—the platform—the axe. I shall never forget the appearance of that man as he sat upon the bench; a large bloody streak about his neck, his body trembling all over, while preparations were making for the final fall. But there was another act in the drama.

As he was ascending the gallows, signs of an outbreak among the crowd were evident. Some cried, "That's enough—let him go," while others gave expressions to their horror. Just at this moment some cry was raised in a remote part of the crowd; no one knew what it was—some were frightened—one wing of the guard retreated towards the gallows—the tumult increased—a sudden panic seized the immense crowd, and they all fled precipitately from the place. The guard were with difficulty brought to their places; the crowd returned, and soon all was quiet, every one ashamed of himself for having been frightened at nothing. One wagon was found upset, but it was supposed to be the effect, and not the cause of the panic. The wretched victim of the law was at length led to the gallows, and the crowd dispersed. This ended the first execution that I ever witnessed, and God grant that it may be the last.

John Baxter was convicted and sentenced to be hung on the 13th instant for the same murder.

### Puffing.

A neighbor sends us the following anecdote about Morrison. It is a pretty good joke to say the least. MISSISS. EDITORS.—Morrison says he has "never been in the habit of puffing every new concern that would give him a knife, a plug of tobacco or a pound of candles, as some other folks have done." &c. If this be true he has changed his habits very much within a few years, as the following fact will prove. While formerly editor of the "Democrat," he purchased a large lot of Billy Reagan, and a very large bill it was, at about two prices. But as usual with him about every thing, he wanted to turn it to personal account in the matter of public notoriety. So he proposed to Billy to say nothing about selling the hog, but let it be understood that it was given as a present. In his next paper Morrison came out in a flaming puff about the splendid hog which had been presented to him (as a great man, of course) by "Squire Reagan. This was a little too fat for anybody to believe about these diggings; but Tom Dowling believed it, and cracked a severe joke on Aleck about the appropriateness of the supposed present. quiz.

**Gulzar, or the Rose Bowler.**

This poem, translated from the Persian, by JOHN S. RICE, Esq., is now ready for sale and delivery. It may be had at Turner's, or at this office.

We would respectfully call the attention of the subscribers particularly to the above fact, as the demand may, in all probability, exceed the supply, and many may be obliged to wait for a new edition, which cannot be completed till spring.

We will hereafter notice the work and the critical remarks of the press and others thereon. So far as it has been examined, but one opinion, and that of approbation, has been heard. Get it soon.

In a letter from Mr. Van Buren, dated October 25, 1845, and addressed to the Democracy of Bradford county, Pa., in reply to complimentary resolutions in his favor, occurs the following passage:

"I feel that I may well pride myself in receiving at such hands, expressions of approbation of my public conduct and confidence in my political principles like those they have been pleased to make. Coming from those who like myself have their lives supported the same principles, and who still continue to so do it with undiminished energy, they are doubly valuable. I beg the Democracy of Bradford to be assured that I so regard them, and that as such proofs of the confidence and esteem of my fellow Citizens, is for the future the only, so is it a most ample reward for whatever service it may have been in my power to render our common Country."

POLLY BOUNE.—The trial of this woman has been again resumed in New York. She was indicted a year or two ago, for alleged murder and arson, the victim being a family connexion of her own. But such is the prevalent spirit in opposition to the death punishment, that it has been impossible thus far to bring the trial to a close. As the case stood at the last date, 2100 jurors had been summoned, 993 of whom had been examined, 11 challenged peremptorily, and only 9 sworn. An order was issued to the Sheriff to summon additional jurors.

Morrison tries very hard to get over his own self-convinced lies, but makes a miserable failure. He alludes to Courts of Justice, and the testimony of witnesses. Did he ever hear of a person voluntarily offering his services to report a capital trial, that he might pervert the evidence to assist his brother in obtaining a conviction, whereon, perhaps, his fee depended?

### Great Fires.

There have been extensive fires at Sag Harbor, L. I., and at Chillicothe, O. Loss at the former place estimated at \$150,000. We have seen no estimate of the loss at the latter, but it must be very large.

The Charleston Evening News of the 15th, says it is rumored that Hon. Daniel E. Huger has resigned his seat in the U. S. Senate, and that it is the general expectation and belief that Mr. Calhoun will be his successor.

Does the person who stole Bishop's money last summer, suppose he is not known? Does he suppose that he was not seen when he dropped the emptied wallet into the Post Office? Is it not apparent why the notes, and the particular torn bill was returned?

### CORRESPONDENCE.

COLUMBUS, OHIO, Nov. 19, 1845.

DEAR SIRS:—I see that your honest and true hearted Democrats are pestered with a lie which is dubbed the "Indiana Democrat," and from the few numbers that I have seen, it bids fair to be an able advocate of the Federal party under the garb of Democracy. This is to be regretted; but since it has been started, the Democracy will be obliged to treat it as they would a regular Federal sheet. It is always to be expected that when a Democratic paper dares to denounce the infamy of swindling bankers, it must incur the displeasure of some who have attached themselves to the Democratic party for the real purpose of giving them the name of Democracy, which they may use at pleasure to sell the party which they disgrace, into the hands of Federalism. Such, it is believed, is the object of the concern above named; and it is to be hoped that the true Democracy of your growing Democratic State will from it down in the bud. It is invariably the case, that as soon as the Federal leaders dump their own party and lose power, they set out their snares for some weak-minded and corrupt Democrat, to help them in their iniquity, and too often succeed in accomplishing their desperate designs.

Indiana has, since 1840 succeeded in annihilating a Federal majority of 13,000, a result almost incredible, and placing the Democracy triumphantly, and I hope, permanently, in the ascendant. She is now looking to the Federal party for the annihilation of the Democratic party. This glorious result has been brought about by her politicians taking high grounds upon all questions connected with corporations, and with such men as WHITCOMB, OWEN and others too numerous to mention in my present limits, there can be no doubt but that the Democracy party will remain in the majority. But, sir, if the Democracy tolerate minions of the party, by their love for the almighty "ring dollar," the people will soon get disgusted and leave the old ship to its fate. Whenever these men get the control of the press and give tone to the party, the party lines soon begin to fade and it is then difficult to tell which is the real Democratic party; for there is but little difference between Bank Democrats and Bank Federalists. Both are governed by the same motives. They soon lose sight of the principles of the party, by their love for the almighty "ring dollar." They are unsafe pilots, and if they are tolerated at the helm, it will make a Federal State of Indiana much sooner than the Federal leaders proper could possibly do it.

The "State Sentinel" has guided the party through a desperate and doubtful conflict. It has acquired a reputation for independence, fearlessness and true devotion to the party solemnly and never excelled; and now that the party in your noble State has gloriously triumphed, and the cohorts of Federalism vanquished, the allies of the prostrate party wish to assume the lead, to again surrender it up into the hands of those who have just been made to bite the dust. Fear not! a virtuous and magnanimous party, as I believe the Democracy of Indiana to be, never will tolerate it. The falsely called "Democrat" may convince people that you are not the first, "crowing" Chapman; but it will find trouble to convince them that you are not a true Democratic Chapman.

Yours, &c., M.

NORRISVILLE, Nov. 25, 1845.

Messrs. Chapman.—The new paper, (the Morrison "Democrat") has created no division in the ranks of the Democracy in this county, nor do I think it will; but it is to be regretted that it is the case; that when a Democrat becomes connected with the Bank as Director, Cashier, President, or otherwise, he soon becomes disaffected with his party, and begins to find fault. He becomes altered in his feelings and views, and pretends for a while that the party has changed, and not him; but the first thing he does, is to make a *subtle* house in the Whig ranks. This, I think, will be the case with some of the disorganizers connected with the new paper. The new paper is very favorably received by the Whigs here; they think it an important acquisition to their ranks.

Yours, &c., J.

No doubt of all you say, friend J. But it is not generally understood that the larger portion of the Royal Family are in the Bank. Many think that the President of the State Bank is the only one thus connected; but another member is a Director in this Branch, and pulls various wires to get out the President of the Branch and get himself in. Then, of course, the whole succession will be provided for. Who touches pitch and is not defiled? A. F. Morrison is in the Bank, also, but in a different shape from his brothers. They are in it; he is *into* it.

Messrs. CHAPMAN.—I could not but smile to read the pathetic note of C. D. in the last "Democrat." He talks about old times, when he and the Morrises used to rule the roost in our party, and sighs terribly over the departed flesh-pots of Egypt. It is laughable to hear him talk about *defending* and *sustaining* the *hopeless prospects* of the Democratic party. They did do this sure, for while they had the management, the prospects of our party continued invariably *hopeless*. It is worth a hearty *guffaw*, also, to hear him talk of fighting for principles and not for spoils!

I should like to know if it is not a notorious fact that the Morrison family was always in office under the Whig dynasty? Every body knows it was so. And the reason was, they always sold out party to the Whigs. They may now talk about "old Indian blood," but nobody will be gulled by such pretensions.

The following lines were written by Mr. REDD, on the death of his infant daughter, CORINNA, a lovely child, who died on the 11th inst., of water in the head, a complaint fatal to children of delicate and nervous temperament.

### COENNA.

O, take me on thy arms, mamma,  
And kiss me cheek to pale;  
For my bow is damp with the clammy dew,  
Which fall in death's lone vale.  
My eyes are growing dim, mamma,  
Like stars that cease to glow;  
And my little eye is parched and dry,  
And my head is racked with pain.  
Then cradle me on thy knee, mamma,  
Singing by thy calm breast;  
And wipe the tear from its tolling eye,  
The tear that it cannot weep.  
I hear a sound in the woods, mamma,  
Like the voice of the water-lily,  
Plinking the leaves from their tender stems,  
And blasting the flowers of spring.  
And as one by one they fall, mamma,  
Methinks they say to me,  
Like the low "tut-tut" of spring-blown flower,  
Sweet child, thy doom must be.  
But do not weep for me, mamma,  
I fear not the wintering.  
Not the darkness glom the little grave,  
Which knows no early spring.  
A home is prepared for me, mamma,  
A far in my brilliant sky,  
Where robed in light thy child shall dwell,  
And the "low" "tut-tut" shall never be.  
Then cradle me on thy knee, mamma,  
And let thy arms encircle  
Around thy poor, poor dying child,  
And cool my feverish brain.  
Union County, December 21st, 1845.

GEOLOGY.—David Dale Owen is lecturing to large audiences in Cincinnati on Geology, Chemistry and Mineralogy. He is master of the subjects, and no doubt will receive the attendance of the citizens generally.

"As to the Oregon Territory, I have no more doubt of our right to it, than I have that New York is a part of this Union. I have therefore, acted—uniformly—as your representative, in favor of putting an end to the common occupancy between us and England, and extending at once our power and jurisdiction over that country."—*Stiles Wright's Speech at Watertown N. Y. 1844.*

### SUPREME COURT OF INDIANA.

CASES DETERMINED AT THE NOVEMBER TERM, 1845.

Reported for the Indiana State Sentinel, BY A. N. CUMMINS.

MONDAY, Nov. 24th, 1845.  
Miller et al. vs. White et al. Error to the Henry C. C. Opinion by DEXTER J.

A written contract cannot be changed or explained by parol reference to another written contract between the same parties. *Judgment reversed.* J. S. Newman for plaintiffs—R. M. Cooper for defendants.

Harris vs. Cobb and others. Error to the St. Joseph C. C. Opinion by DEXTER J.

The temporary statute of 1840 authorized the replevy of debts in chancery.

The Statute of 1843 authorized the replevy of money debts in chancery.

Sena. That independently of these Statutes the law was the same. *Judgment affirmed.* Morrison, Major and Lister for plaintiffs—J. L. Jernegan for defendants.

The State ex rel. of Wilson vs. Williams. Error to the Marion C. C. Opinion by BLACKBURN J.

A writ in an action of debt against A. B. and C. issued in Marion county, was served on A, and returned "not found" as to the others.

A plea in abatement, as authorized by Statute, suggested the return of the writ, and a judgment was rendered against them, that they make their plea in a certain suit to the State. Held, that this judgment being joint was erroneous. There should have been a judgment against each of the defendants. The record in said suit stating the plea, process, &c. as follows: "Be it remembered that heretofore, to-wit, at the 5th plenary term, &c. in the year 1841, the Grand Jurors empaneled and sworn, &c. that, &c., on the first day of June, in the year aforesaid," &c. Held, that the caption was no part of the indictment, and that the indictment, which commenced with the words, "The Grand Jurors empaneled," &c., naming the year of any of the charges, except by the words, "in the year aforesaid," was bad. *Judgment reversed.* J. Lockhart, Pros. Atty.

THURSDAY, Nov. 25.  
Thompson vs. Morrison. Error to the Dubois C. C. Opinion by DEXTER J.

The Statute of 1843 giving jurisdiction in actions by and against administrators and executors to justices of the peace, extends to causes of action in existence at the time of its passage; and authorizes the revival, by *scire facias*, of a justice's judgment rendered previously, against the administrator of a deceased judgment debtor. *Judgment reversed.* J. Pitcher for plaintiff—E. A. Terry for defendant.

Ward et al. vs. Robertson. Error to the Henry C. C. Opinion by BLACKBURN J.

Assumpsit for land sold and delivered. Pleas, non-assumpsit and assumpsit. On the trial, the defendant introduced in evidence a bill of lumber made out by a carpenter, who had built him a house. The Court permitted the jury to take this bill to their room, after charging them that they could not receive it as evidence of itself, of the amount of the lumber contained in the house, but if a witness had testified to it as the correct amount of lumber the house contained, they might refer to it as a memorandum of what his evidence was on that subject. Held, that there was no error in permitting the jury with the instructions given, to take the bill R. S. 1843, p. 734. *Judgment affirmed.* Test for the plaintiff—Ward & Parker for defendant.

Pate vs. Swan and others. Error to the Union C. C. Opinion by BLACKBURN J.

Under the Statute of 1843 (R. S. 1843, p. 1046), an execution defendant may claim as exempt from execution, at any time before the sale, any personal property located on, not exceeding in value 125 dollars. *Judgment reversed.* Reid & Perkins for plaintiff—Perry & Yargan for defendants.

Peters vs. Devenport. Error to the Montgomery C. C. Opinion by DEXTER J.

A common carrier, or a private person who undertakes for hire, to transport and deliver goods safely, is bound to keep in the usual and customary road from the place of starting to the point of destination; and if he unnecessarily deviates, and a loss occurs in consequence thereof, he is responsible for the loss. *Judgment reversed.* H. S. Lane and S. C. Wilson for the plaintiff—R. C. Gregory for the defendant.

WEDNESDAY, Nov. 25.

Henry vs. Hamilton. Error to the Fayette C. C. Opinion by DEXTER J.

If justice of the peace issue a State warrant on an informal and insufficient affidavit, and the accused person, on being arrested, put himself on trial before the justice without objection, the proceedings afterward are not *coram non iudice*, and void; and it is shandorous to charge a witness sworn on a trial with perjury.

A justice of the peace is authorized to try, and pass sentence upon, a person accused of disturbing a lawful assembly.

If a witness make a false statement, but afterwards correct it, so that his testimony is ultimately consistent with truth, he is not guilty of perjury, and it is shandorous to charge him with perjury, and to pass sentence on him in reference to that statement. *Judgment affirmed.* Test for plaintiff—Parker for defendant.

Johnson vs. McLean. Error to the Deatur C. C. Opinion by DEXTER J.

If two persons change horses, with the privilege to one party to return the horse received by him, within a given time, and he fail to return it in that time, the contract becomes absolute, and each party is the unconditional owner of the property received in exchange.

If, in such exchange, one of the horses be warranted, a breach of the warranty does not annul the contract of sale, and reinvest the property of the respective horses in their original owners.

The vendor of goods on whom a fraud has been committed by the vendee, cannot make the contract of sale as a nullity, while he is waiting to make his claim, and a valuable consideration received by him for the goods.

A party having a right to rescind a contract must exercise his right within a reasonable time.

An execution binds the personal property of the execution defendant from the time of its delivery to the officer, though the officer fails to endorse upon it the time when he received it.

A and B exchange horses after the exchange, an execution against it is delivered to an officer, after which A and B re-exchange the horses, the officer levies the execution upon both horses, as the property of the party originally owned by A, and belonging to A, at the time the officer received the execution, is relinquished by the levy upon the property originally owned by A, and by him received back again by the re-exchange. *Judgment affirmed.* George H. Dunford for plaintiff—C. H. Test for defendant.

Dee. on dem. Abbot vs. Hurd and Sherman, trustees. Error to the St. Joseph C. C. Opinion by BLACKBURN J.

A voluntary conveyance of real estate is not void as to subsequent creditors, merely because the grantor was indebted 25 or 30 at date of the deed.

After such deed, the grantor contracted a debt for which judgment was obtained before the deed was recorded. Subsequently to recording the deed, (which was not recorded in time) the land was sold under an execution on said judgment.

Held, that the purchaser having notice by the record of the prior debt, took nothing by the purchase. A husband cannot convey land immediately to his wife, but he may convey it to trustees for her use.

Under the Statute, a bona fide conveyance of real estate, whether for consideration or not, passes prima facie, the grantor's interest in the premises, and the possession to the grantor. *Judgment affirmed.* Lister for plaintiffs—Jernegan for defendants.

Fisher and Taylor vs. State Bank. Error to the Noble C. C. Opinion by BLACKBURN J.

### Indiana Democrat.

This is the title of a new democratic (?) paper, just started in Indianapolis, edited by Morrison & Co. A paper gotten up in the same spirit which this one was, should neither receive the countenance or support of honest men. We never heard of a democratic paper being established for the purpose of distracting and dividing the democratic party. We never heard of a democratic paper, which loudly professed Democracy, and at the same time was endeavoring to break that party down. We should think such a democracy had a strong resemblance to democratic country.

Another reason adduced why this paper was established, is